

## State Water Resources Control Board

May 25, 2018

(Via email and Certified Mail)  
**CERTIFIED MAIL**  
**NO. 7017 2680 0000 6289 4848**

Mr. Chris Munson  
Facilities Manager  
Port San Luis Harbor District  
3950 Avila Beach Drive  
P.O. Box 249  
Avila Beach, California 93424  
[chrism@portsanluis.com](mailto:chrism@portsanluis.com)

**SUBJECT: NOTICE OF VIOLATION; UNDERGROUND STORAGE TANK SYSTEM  
LOCATED AT PORT SAN LUIS HARBOR, 3950 AVILA BEACH DRIVE,  
AVILA BEACH**

Dear Mr. Munson:

As part of an initiative by the State Water Resources Control Board (State Water Board) to ensure compliance at government-owned and/or operated underground storage tank (UST) facilities in California, the State Water Board staff inspected the UST at your facility on May 11, 2018, pursuant to authority under Health and Safety Code (H&SC), chapter 6.7, section 25289.

The State Water Board has identified the following violations pursuant to H&SC, chapter 6.7, and California Code of Regulations (CCR), title 23, chapter 16:

No.	Violation	Tank	Start Date	Stop Date	Regulation
1	<b>Failure to Maintain Facility Information Form</b> – In CERS, the facility information form does not include a street address, and the financial responsibility mechanism section needs to be updated to accurately reflect the funding mechanism being used.	1	May 11, 2018	Ongoing	23 CCR 2711(a)
2	<b>Failure to Maintain Tank Information Forms</b> – In CERS, the tank information form incorrectly identifies the piping material; the fill component section does not identify that a spill bucket and striker plate are installed.	1	May 11, 2018	Ongoing	23 CCR 2711(a)

No.	Violation	Tank	Start Date	Stop Date	Regulation
3	<b>Failure to Maintain Monitoring Plan</b> – In CERS, the tank monitoring section lists “yes” for continuous monitoring; however, an automatic tank gauge (ATG) is used; the pipe monitoring section does not list a manufacturer or model for the line leak detector (LLD); the periodic system testing section must list “yes” to secondary containment testing (for the piping); and the personnel responsibilities section needs to be updated with the name and title of the responsible persons.	1	May 11, 2018	Ongoing	H&SC 25286(a); 23 CCR 2632(d)(1), 2711(a)(9)
4	<b>Failure to Maintain Site Map</b> – A map was not uploaded in CERS and the map onsite at the time of inspection did not identify the location of sensors, LLDs, and piping.	1	May 11, 2018	Ongoing	23 CCR 2711(a)(8)
5	<b>Failure to Maintain Financial Responsibility</b> – The Certificate of Financial Responsibility indicates "Business Department Letter" as the mechanism type; however, an approved mechanism found in the federal code must be listed. The supporting document, such as the letter from the chief financial officer, must be updated annually and signed by the chief financial officer or guarantor.	1	May 11, 2018	Ongoing	H&SC 25292.2; 23 CCR 2711(a)(11)
6	<b>Failure to Maintain Monitoring or Testing Records Onsite</b> – The 2018 secondary containment test record for the under dispenser containment (UDC) and the 2015 monitoring certification for the ATG were not available at the time of inspection.	1	May 11, 2018	Ongoing	H&SC 25293; 23 CCR 2712(b)
7	<b>Failure to Monitor Product Piping</b> – The sensor in the turbine sump was not in a vertical position.	1	May 11, 2018	Ongoing	23 CCR 2630(d)
8	<b>Failure to Tag Monitoring Equipment</b> – The following monitoring equipment did not have a current certification tag affixed: the ATG, the turbine sump sensor, and the sensor in transition sump 2.	1	May 11, 2018	Ongoing	23 CCR 2638(f)

**You are directed to correct the ongoing violations and submit compliance documentation to the State Water Board and San Luis Obispo County Environmental Health Services within sixty (60) days from the date of this letter. Have your Designated Operator make**

**specific notations in the next monthly designated operator report indicating the ongoing violations have been corrected. The monthly designated operator report and any associated photos must be submitted as proof of compliance.**

Please send all compliance documentation to the following:

**State Water Board**

Ms. Rebecca Green  
UST Enforcement Unit  
Office of Enforcement  
State Water Resources Control Board  
801 K Street, Suite 2300  
Sacramento, California 95814  
[rebecca.green@waterboards.ca.gov](mailto:rebecca.green@waterboards.ca.gov)

**Local CUPA**

Ms. Tricia Atkins  
Environmental Health Specialist  
San Luis Obispo County Environmental  
Health Services  
P.O. Box 1489  
San Luis Obispo, California 93406  
[tatkins@co.slo.ca.us](mailto:tatkins@co.slo.ca.us)

Pursuant to Health and Safety Code, chapter 6.7, section 25299, the owner and operator of the tank(s) are liable for a penalty of \$500 to \$5,000 per tank, per day of violation. These penalties will continue to accrue until the violations have been corrected.

If you have any questions, please contact me at (916) 341-5551, or by email at [amantha.henkel@waterboards.ca.gov](mailto:amantha.henkel@waterboards.ca.gov).

Sincerely,



Amantha Henkel  
Senior Environmental Scientist  
UST Enforcement Unit  
**Office of Enforcement**

cc: *(via email only)*

Mr. Marcus Garcia  
Compliance Coordinator  
B&T Service Station Contractors  
[marcus@btssc.com](mailto:marcus@btssc.com)

Mr. Aaron Labarre  
Supervising Environmental Health Specialist  
San Luis Obispo County Environmental  
Health Services  
Hazardous Materials Program  
[alabarre@co.slo.ca.us](mailto:alabarre@co.slo.ca.us)

Ms. Tricia Atkins  
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